



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,904	10/26/2006	Volker Sauermann	11884/495701	3937
53000	7590	06/15/2009		
KENYON & KENYON LLP 1500 K STREET N.W. WASHINGTON, DC 20005			EXAMINER CHAO, MICHAEL W	
			ART UNIT 2442	PAPER NUMBER
			MAIL DATE 06/15/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



- Shiao Min Huang provided a summary of applicants invention and explained how applicants believe Leinberger operates.
- Robert Hails presented reasons as to why Leinberger does not teach draft claim 1 as recited in attachment.
- Examiner Chao presented results of updated search, Walser, which teaches iterating a constraint model using different starting variables. In the case of Bin Packing, job sizes and bins are the only variables, therefore performing multiple iterations of a Bin Packing process, described in Leinberger, would be obvious in view of Walser.
- Examiner does not believe draft claim 1 would overcome Leinberger, in view of Walser.
- Since the applicant was not aware of Walser prior to the interview, it was agreed that applicant would review reference and a followup interview would be scheduled prior to Thursday of the following week (6/18/2009).